

July 16, 2012

The Honorable Barbara Boxer, Chair
Senate Environment and Public Works Committee
112 Hart Senate Office Building
Washington DC 20510

The Honorable James M. Inhofe, Ranking Member
Senate Environment and Public Works Committee
205 Russell Senate Office Building
Washington DC 20510

Re: Request for Oversight Hearing on the Toxic Flame Retardants Scandal

Dear Senators Boxer and Inhofe,

As current and former state legislators from across the nation who are concerned about regulation of flame retardants, we are writing to request that you hold an oversight hearing on the unethical chemical industry activities that many of us witnessed firsthand in our legislatures. We want to share our perspective on those tactics and make it clear that the pattern of deception practiced by the chemical industry in state legislatures is unacceptable.

The recent four-part Chicago Tribune investigative series, “Playing With Fire” (May 2012) brought forth evidence that three chemical manufacturers (Albemarle, Chemtura and ICL Industries) engaged in tactics to avoid state regulation of toxic flame retardants. The worst industry tactics included misrepresenting the science related to both the effectiveness and health risks of flame retardant chemicals; employing an expert witness who repeatedly invoked a phony story of a child dying in a fire in order to justify flame retardant mandates; creating a front group called “Citizens for Fire Safety” to counter the opposition to flame retardants among firefighters and health organizations; and using racial profiling to mislead community leaders about the impacts of toxic flame retardant chemicals.

We are also disappointed that the trade group American Chemistry Council (ACC) has failed to enforce its mandatory code of conduct, known as Responsible Care, against these three member companies. When the CEOs of ACC members sign on to Responsible Care, they pledge “to lead in ethical ways” and promote forthright communication with governments. And yet, instead of censuring these companies for violating these principles, ACC just appointed Albemarle’s CEO to their board of directors (June 2012). It’s unfortunate that these practices seem to reflect business as usual to the chemical industry as a whole.

Clearly, the activities described in the Tribune series go beyond expressing a company’s views. They are a misrepresentation of the science around flame retardants and clearly deserve further review.

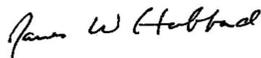
During legislative debates on flame retardant bills in states around the country, many of us as legislators were faced with public attacks from this same industry front group including barrages of misleading paid television and newspaper ads. We have attached a few examples to illustrate the kinds of deception and intimidation of public officials employed by this industry.

In the absence of federal action, state legislators will sponsor new policies in 2013 that move away from flame retardants that have no added fire safety benefit, especially in products that impact our children and other vulnerable groups. We believe we can and must do better. There are well-documented, safer and more effective methods of deterring fires. The State of California is already taking a step forward with Governor Brown calling for a re-evaluation of fire safety standards. As 2013 legislative sessions start up, we will view the testimony of these companies in our legislatures through a very critical lens.

In the meantime, we urge you to treat this flame retardant scandal as an opportunity to strengthen our broken federal chemical management system. If the Safe Chemicals Act of 2011 (S. 847) were law, chemical manufacturers would not get away with replacing old toxic chemicals with new toxic chemicals, another practice exposed by the Chicago Tribune series. We need federal leadership. You can provide that through a timely markup and Committee vote on S. 847.

Thank you for your leadership and this opportunity to comment.

Sincerely,



Delegate James Hubbard
Maryland House of Delegates
Assistant Majority Leader



Hon. Hannah Pingree, Former Speaker
of the Maine House, Safer Chemicals,
Healthy Families



Honorable Deb Kennedy
Former Michigan State Representative
Former Chair of House Committee on
the Great Lakes & the Environment



Representative Karen Clark
Minnesota House



Representative Beth Kerttula
Alaska House of Representatives
House Minority Leader



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Representative Jay Kaufman
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Representative Frank Smizik
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Connecticut House

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New York Assembly

Linda Chapa LaVia

Representative Linda Chapa LaVia
Illinois House

Full list of Signatories to July 16, 2012 letter to Senator Barbara Boxer and Senator James Inhofe

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Representative Diana Urban, Connecticut House
Senator Terry Gerratana, Connecticut Senate
Representative Linda Chapa LaVia, Illinois House
Representative Jay Kaufman, Massachusetts House
Representative Denise Provost, Massachusetts House
Representative Carl Sciortino, Massachusetts House
Representative Frank Smizik, Massachusetts House
Senator Jamie Eldridge, Massachusetts Senate
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